

Massachusetts Gaming Commission

Request for Responses (RFR)

For

**Executive Search Firm for Executive Director
of the Massachusetts Gaming Commission**

RFR # MGC-2012-003

May 25, 2012

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Section 1. Introduction/Procurement Requirements

A. Overview

Through this Request for Responses (RFR), the Massachusetts Gaming Commission (MGC) seek an executive search firm (Consultant) to recruit, screen and recommend qualified candidates to serve as Executive Director to the Massachusetts Gaming Commission

B. MGC Background

The Massachusetts Gaming Commission is responsible for the implementation of the expanded gaming law (chapter 194 of the Acts of 2011). As part of the law, the Commission will establish a regulatory framework for the solicitation, licensing and oversight of a maximum of three casino licenses and one slots parlor license.

C. Purpose of Procurement

MGC seeks an executive search firm to assist and advise the Massachusetts Gaming Commission in the hiring and appointment of the Commission's Executive Director. The Commission may designate an evaluation committee or subcommittee to interview candidates. The five commissioners of the MGC will interview and select a new full-time Executive Director.

Through this RFR, MGC seeks to qualify one bidder to perform an executive search to recruit, screen, and recommend qualified candidates for the position of Executive Director.

D. Vendor Qualifications

The preferred vendor will have expertise and experience in performing executive recruitment and hiring searches, ideally in both the public and private sectors, and in the regulatory or gaming fields. The preferred vendor will also have experience in advising governmental entities in Massachusetts and/or other states. The preferred vendor will have the capacity to commit personnel and resources necessary to provide high quality services in a timely and responsive manner.

E. General Procurement Requirements

MGC is not subject to the regulations of public procurement for state agencies (801 CMR 21.00). However, MGC chooses to adopt those regulations and is issuing this RFR in accordance with such regulations. MGC reserves the right to alter the procurement process at any time and without notice.

801 CMR 21.00 requires a competitive procurement process, including the issuance of a RFR, for acquisitions of all commodities and services. Words used in this RFR shall have the meanings defined in 801 CMR 21.00. Unless otherwise specified in this RFR, all communications, responses, and documentation must be in English, all measurements must

be provided in feet, inches, and pounds and all cost proposals or figures in U.S. currency. All responses must be submitted in accordance with the specific terms of this RFR.

MGC makes no guarantee that a contract, or any obligation to purchase any commodities or services, will result from this RFR.

MGC reserves the right to amend this RFR at any time prior to the date the responses are due. Any such amendment will be posted to the Commonwealth's procurement web site, Comm-PASS (see **Section 5.B** for information on Comm-PASS). Bidders are cautioned to check this site regularly, as this will be the sole method used for notification of changes. (See also **Section 5.G.**)

All responses must be submitted in accordance with specifications in **Section 3: Response Requirements**.

1. Acquisition method: Fee for service
2. Single or multiple vendor(s): Single
3. Use of Procurement by single or multiple agencies: Single
4. Anticipated Duration of Contract: The initial duration of the contract that results from this RFR will be from the date on which it is awarded until December 31, 2012, or until the Executive Director is appointed, whichever is sooner. The contract may be extended in any increment at the discretion of MGC up to a maximum term, including all contract extensions, of twelve months.
5. Anticipated Payment Structure: The contractor will be paid for services rendered, after submission and approval of invoices. The contract under this RFR does not contain a maximum obligation provision.

F. Procurement Timetable

Unless otherwise specified, the time of day for the following events shall be between 9:00 a.m. and 5:00 p.m., Eastern Standard Time. All other times specified in this RFR are Eastern Standard Time.

MGC may adjust this schedule as it deems necessary. Notification of any adjustment to the RFR Timetable shall be posted on Comm-PASS.

1. RFR issued	May 25, 2012
2. Written inquiries from interested bidders concerning RFR due	June 6, 2012
3. Written responses from MGC to inquiries posted on Com-PASS	June 8, 2012
4. Bidders' responses due	June 13, 2012 by 3:00 p.m.
5. Evaluation Committee reviews responses and selects finalists	June 18, 2012-June 20, 2012
6. Evaluation Committee interviews finalists, if necessary	June 20, 2012-June 26, 2012
7. Anticipated contract award	June 26, 2012

Section 2. Scope of Services

1. The purpose of the contract awarded under this RFR is to engage a Consultant to recruit, screen and recommend qualified candidates for the position of Executive Director of the Massachusetts Gaming Commission. The MGC may request from the Consultant additional qualified candidates if the first (or subsequent) round(s) of candidates provided to them fails to meet their needs.
2. Consultant must develop a project plan associated with recruiting a wide range of eligible candidates for the Executive Director position. Said project plan shall be provided to and approved by the Massachusetts Gaming Commission following the execution of a contract for services associated with this request for response, and shall include details of: how the recruitment will be managed; what media will be used to solicit candidates; and specific details on the firm's resources to post the position, advertise, produce recruitment brochure/material, vet eligible candidates for selection, coordinate full background checks, and participate in final interviews and negotiations.
3. Consultant must develop a recruitment strategy within 14 calendar days following the acceptance of the project plan. Said strategy shall include the dissemination of the approved Job Description by the selected vendor to applicable and appropriate professional markets. This strategy may include contacting other states or gaming regulatory agencies, universities and professional organizations connected to the gaming industry to learn how similar executives were recruited, and adopting those methods that are appropriate to the Massachusetts search effort. In addition, the recruitment strategy should include a position profile that describes the short and long-term objectives of the Executive Director and the salary information, as well as a description of desired professional experience and other characteristics of a successful candidate.
4. Said recruitment strategy shall identify a field of candidates whose career experiences, interests, and availability closely match the position requirements and employment conditions. This identification process should include an evaluation tool(s) to assist in compiling the results of in-depth personal interviews with each potential candidate, verification of credentials, in-depth appraisal of relevant work experiences, and the Consultant's assessment of each candidate's strengths and weaknesses with respect to the position.
5. Consultant must provide a list of appropriate candidates for Executive Director for interviews within a reasonable timeframe following the acceptance of the recruitment strategy by MGC. Once said list of candidates is approved, the Consultant will facilitate personal interviews of each of the candidates on this list.
6. Consultant will be available during the final negotiation process to ensure a successful placement.

7. The goal of the search process is to secure one qualified candidate for Executive Director with an offer of employment within 120 calendar days of execution of the contract with the selected executive search firm.
8. Consultant will provide status reports of the Consultant's progress throughout the search process. These status reports should occur at reasonable intervals throughout the project and should be clearly identified in the project plan to be submitted in response to this RFR.
9. Certain expenses associated with this contract may be allowable costs for reimbursement consistent with the intent of this contract. Said costs may include travel and reasonable accommodation expenses of qualified candidates. Any expenses shall require prior approval of MGC.

Section 3. Response Requirements

A. General Submission Instructions

Complete responses must be submitted by the date listed in the Procurement Timetable, **Section 1.F**, no later than **3:00 p.m.**, Eastern Standard Time. Responses must be submitted by mail or hand-delivered to:

Brandon Milby
Massachusetts Gaming Commission
84 State Street, 7th Floor
Boston, MA 02109

The bidder must submit:

1. **one original** (clearly labeled as “**original**”) and **five hard copies** of its complete response in the following format:
 - Proposal must not be in excess of 10 pages (excluding cover letter, required forms, tables listing client references and resumes, which may be attached as exhibits).
 - Each copy should be labeled “Response to RFR # MGC 2012-003.
 - The sections of the response documents should be labeled to correspond with the section heads (“Business”; “Programmatic”; and “Cost”) and section numbering in the RFR.
2. **one electronic copy** of its complete response on CD or flash drive;
3. **a cover letter** that clearly states the name of the bidder organization, principal address, local (greater Boston) address (if applicable, and if different from principal address), and the name, address, e-mail, fax and telephone number of the bidder’s contact person. The letter must:
 - be signed by an individual authorized to bind the contractor;
 - clearly commit the key personnel named in the response to being available to MGC for approximately six months from the response due date;
 - clearly identify any significant subcontractors, their roles, and responsibilities; and
 - include a statement that the bidder’s proposal will remain in effect until the bidder withdraws its proposal or a contract resulting from this RFR is executed, whichever is later.

Unnecessary samples, attachments or other documents not specifically asked for should not be submitted.

B. Business Response

1. Required Forms

Bidders must submit as part of their Business Response the following Commonwealth-required forms. All of the referenced forms are available on the forms and terms tab for this solicitation on Comm-PASS (www.comm-pass.com).

- Standard Contract Form and Instructions
- Commonwealth Terms and Conditions
- Massachusetts Substitute W-9 form – Request for Taxpayer Identification Number and Certification
- Contractor Authorized Signatory Listing
- Executive Order 504 Contractor Certification
- Consultant Contractor Mandatory Submission Form
- Authorization for Electronic Funds Payment (EFT)
- Prompt Payment Discount Form (PPD)

Bidders may submit as part of their Business Response the following Commonwealth form

- Small Business Purchasing Program (SBPP) Plan

2. Vendor History

The bidder shall provide a brief description of the firm, including its organizational structure, its scope of business, its internal organization and number of personnel dedicated to major practice areas, its corporate and ownership structure, and whether any merger or acquisition plans are pending.

Each bidder shall provide a description of its relevant experience in executive search and recruitment, particularly in the areas of executive placement, as well as within the hospitality, gaming and/or regulatory sectors, including: (a) a general description of the relevant services the firm provides to other clients, and (b) the staff at the firm dedicated to providing these services.

Each bidder shall also describe any previous assignments undertaken for any entities which might pose a potential conflict of interest.

3. Corporate References

The bidder shall list five references, at least one of which should be governmental, for which the bidder has provided services similar to the work contemplated by this RFR. These references must include the following information:

- The client organization's name and address;
- The name and title, address, telephone number, and e-mail address for a contact person;
- A brief description of the services provided; and

- The start and end dates for the project.

4. Bidder's Organization and Project Staff

a. Organizational Chart with Key Personnel

The Business Response must include an organization chart for this project, incorporating any and all subcontractor relationships anticipated.

The chart must include:

- The Project Lead and any additional key personnel whom the bidder anticipates will be involved in the project; their titles and placement within the bidder's organizational hierarchy and their functional titles/responsibilities relative to this project;
- The bidder's management structure for project oversight; and
- Any parts of the project for which the bidder intends to use a subcontractor.

The chart **may** include a narrative describing the assumptions, limitations and constraints on which the organizational chart is based.

b. Personnel Résumés

The bidder must provide résumés for each individual proposed as key personnel for this project. The résumés should include a brief narrative describing the relevant experience of each named key personnel and how his/her particular experience relates to the proposed role on this project.

c. Attorney Status with the Massachusetts Board of Bar Overseers

The bidder must provide a printout from the Massachusetts Board of Bar Overseers (BBO) showing the status of each Massachusetts attorney proposed as key personnel for this project, if applicable. Bidders may access the BBO Attorney Look Up webpage at: <http://massbbo.org/bbolookup.php>. Then simply enter the first and last name of each attorney included in the proposal on this webpage, print out the status page and include it in the proposal.

d. Subcontracting

If the bidder plans to use a partner or subcontractor for any element of the project, the bidder must:

- Identify each such partner(s) or subcontractor(s) by corporate name, address, telephone number, and status as minority and/or woman business enterprise, if applicable;
- Briefly describe the corporation, including years in business, its organization, experience in the Commonwealth, and a synopsis of any previous experience similar to that proposed for their role in this effort; and

- State the element(s) of the project and the percentage of the total project effort for which the partner(s) or subcontractor(s) will be used, and how the bidder's and the partner's or subcontractor's performance will be coordinated with the primary vendor's over the term of the project.

5. Bidder's Financial Stability

MGC reserves the right to require the bidder or contractor, at any time during the procurement or contract term, to submit any documentation requested by MGC to demonstrate to its satisfaction that the bidder's organization is in sound financial condition. MGC may disqualify a bidder if the bidder fails upon MGC's request to submit the documents required by this section, or if the documents indicate to MGC, in its reasonable discretion, that the bidder's financial condition is unsatisfactory for the purposes of this project.

C. Programmatic Response

It is anticipated that appropriate elements of the bidder's Programmatic Response, informed by any negotiated modifications, will be incorporated into the Scope of Services for this project.

1. Time Estimate

Each bidder should provide an estimate of the amount of time it believes it would take for it to perform the general services identified in the RFR, assuming that all required information is available.

2. Description of Proposed Staffing

Each bidder should provide a description of how it proposes to staff this engagement. This proposed staffing plan, as identified in **Section 3.B.4**, should summarize assumptions about time commitment and roles of individuals and other available resources.

D. Cost Proposal

The bidder must include with its response an estimate of the total fee (cost proposal) for the project. The Commission prefers a "Contingent" or "Lump Sum" fee arrangement. The fee may exclude reasonable travel expenses or other expenses directly attributable to the search. All expenses will have to be approved in advance by the Commission or the Commission's designee.

Section 4. Response Evaluation Process

A. Response Review and Evaluation

1. Compliance with Submission Instructions

All responses will be reviewed by a staff member of the MGC to determine compliance with the response submission instructions described in **Section 3.A**. For those responses that comply with the response submission instructions, an Evaluation Committee (Committee; also referred to as the “Procurement Management Team” or “PMT”) designated by MGC will review the Business, Programmatic and Cost Responses.

2. Evaluation Criteria and Scoring

The following identifies the criteria by which MGC will evaluate the bidder’s response, overall organization and proposed staff for the engagement:

- Expertise and experience with executive search and recruitment, including experience in the public and private sectors, and in the field of regulation (40 points).
- References and past performance (10 points)
- Expertise and experience with Massachusetts, other state, or federal regulations relating to gaming (15 points).
- Capacity to commit personnel and resources necessary to provide high quality services in a timely and responsive manner (10 points).
- Proposed fee arrangement (15 points).
- Completion, presentation and responsiveness of bidder’s response (10 points).
- Status and participation in the Small Business Purchasing Program – SBPP (3 points)
- Status as a minority or disadvantaged business enterprise MBE/WBE/DBE (3 points).

In addition, MGC may consider any and all relevant information about the bidder known to MGC.

3. Response Rating

The Committee will:

- (1) Evaluate Business and Programmatic Responses in accordance with the criteria described in **Section 4.A.2**;
- (2) Give a composite rating of “Excellent,” “Very Good,” “Good,” “Fair,” or “Poor/Non-Responsive” for each section evaluated;
- (3) Assign an overall rating to each bidder’s proposal;
- (4) Compare the responses to one another; and
- (5) Rank the responses in order of preference.

4. Non-Qualifying Proposals

MGC reserves the right to reject a bidder's response at any time during the evaluation process if the bidder:

- Fails to demonstrate to MGC's satisfaction that it meets all RFR requirements;
- Fails to submit all required information or otherwise satisfy all response requirements in **Section 3**;
- Has any interest that may, in MGC's sole determination, conflict with performance of services for the Commonwealth or be anti-competitive; or
- Rejects or qualifies its agreement to any of the mandatory provisions of the RFR or the Commonwealth's Standard Contract Form and Commonwealth Terms and Conditions.

The Evaluation Committee may determine non-compliance with an RFR requirement is insubstantial. In such cases, the Committee may seek clarification, allow the bidder to make minor corrections, apply appropriate penalties in evaluating the response, or apply a combination of all three remedies.

5. Clarifications

The Evaluation Committee may determine some element of a bidder's response requires clarification to verify its responsiveness to the RFR or facilitate a fair comparison with competing proposals. In such cases, the Committee may seek clarification from the bidder. All bidders will be accorded fair and equal treatment with respect to any opportunity for clarification.

6. Best Value Selection and Negotiation

The Committee may recommend for selection the response that demonstrates the best value overall, including proposed alternatives, which will achieve the procurement goals of MGC. The Committee and a selected bidder may negotiate a change in any element of contract performance, cost identified in the original RFR, or the selected bidder's response, which results in lower costs, or a more cost-effective, or better value than was presented in the selected bidder's original response.

MGC reserves the right to request a best and final offer (BAFO) from any bidder.

7. Small Business Purchasing Program (SBPP) Plan

This is a small procurement targeted to small businesses participating in the Commonwealth's Small Business Purchasing Program (SBPP). To determine eligibility and to participate in the SBPP, please review the requirements and general program information at www.mass.gov/sbpp. The evaluating committee may award up to 3 points (of 106 possible) if a respondent demonstrates the criteria for participation in the SBPP.

8. Disadvantaged Business Enterprise (MBE/WBE/DBE)

The evaluating committee may award up to 3 points (of 106 possible) if a respondent demonstrates certification as a minority, women, or disadvantaged business enterprise (MBE/WBE/DBE) from the Massachusetts Supplier Diversity Office, a similar office in another jurisdiction, or the Federal Government.

B. Recommendation for Award

After the Committee completes its evaluation, comparison and ranking of all proposals, and, if applicable, oral presentation(s) and BAFO, the Committee may recommend to the Commission a bidder with which to enter into contract negotiations. The Commission's decision shall be based on the Committee's recommendation and on the best interests of the Commonwealth. MGC is under no obligation to award a contract pursuant to this RFR.

Section 5. Additional Terms and Conditions

A. Issuing Office

Massachusetts Gaming Commission
84 State Street, 7th Floor
Boston, MA 02109

B. Comm-PASS

Comm-PASS is the official system of record for all procurement information which is publicly accessible at no charge at www.comm-pass.com. Information contained in this document and in each tab of the Solicitation, including file attachments, and information contained in the related Bidders' Forum(s), are all components of the Solicitation.

Bidders are solely responsible for obtaining all information distributed for this Solicitation via Comm-PASS, by using the free Browse and Search tools offered on each record-related tab on the main navigation bar (Solicitations and Forums). Forums support bidder submission of written questions associated with a Solicitation and publication of official answers. All records on Comm-PASS are comprised of multiple tabs, or pages. For example, Solicitation records contain Summary, Rules, Issuer(s), Intent or Forms & Terms and Specifications, and Other Information tabs. Each tab contains data and/or file attachments provided by the Procurement Management Team. All are incorporated into the Solicitation.

It is each bidder's responsibility to check Comm-PASS for:

- Any addenda or modifications to this Solicitation, by monitoring the "Last Change" field on the Solicitation's Summary tab; and
- Any Bidders' Forum records related to this Solicitation (see Locating an Online Bidders' Forum for information on locating these records).

The Commonwealth accepts no responsibility and will provide no accommodation to bidders who submit a response based on an out-of-date Solicitation or on information received from a source other than Comm-PASS.

Comm-PASS SmartBid Subscription. Bidders may elect to obtain an optional SmartBid subscription which provides value-added features, including automated email notification associated with postings and modifications to Comm-PASS records. When properly configured and managed, SmartBid provides a subscriber with:

- A secure desktop within Comm-PASS for efficient record management;
- A customizable profile reflecting the subscriber's product/service areas of interest;
- A customizable listing in the publicly accessible Business Directory, an online "yellow-pages" advertisement;
- Full-cycle, automated email alert whenever any record of interest is posted or updated;
- Access to Online Response Submission, when allowed by the Issuer, to support:

- paperless bid drafting and submission to an encrypted lock-box prior to close date;
- electronic signature of OSD forms and terms; agreement to defer wet-ink signature until contract award, if any;
- withdrawal of submitted bids prior to close date; and
- online storage of submitted bids.

Every public purchasing entity within the borders of Massachusetts may post records on Comm-PASS at no charge. Comm-PASS has the potential to become the sole site for all public entities in Massachusetts. SmartBid fees are only based on and expended for costs to operate, maintain and develop the Comm-PASS system.

C. Bidder Communications

Bidders are prohibited from communicating directly with any employee or Commissioner of MGC regarding this RFR, except as specified in this RFR, and no other individual Commission employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFR. Bidders may contact the contact person for this RFR in the event this RFR is incomplete or the bidder is having trouble obtaining any required attachments electronically through Comm-PASS.

Failure to observe this provision will be grounds for disqualification.

D. Reasonable Accommodation

Bidders with disabilities or hardships that seek reasonable accommodation, which may include the receipt of RFR information in an alternative format, must communicate such requests in writing to the contact person. Requests for accommodation will be addressed on a case-by-case basis. A bidder requesting accommodation must submit a written statement which describes the bidder's disability and the requested accommodation to the contact person for the RFR. MGC reserves the right to reject unreasonable requests.

E. RFR Copies

Bidders may request a copy of the RFR, or any of its components, by going to www.comm-pass.com and searching for the solicitation number as noted on the front page of this document. Bidders may also request a copy of the RFR directly to the MGC by calling 617-979-8400, or visiting www.mass.gov/gaming.

F. RFR Inquiries

Bidders may make written inquiries concerning this RFR until no later than the date and time specified in **Section 1.F** of this RFR. Written inquiries must be sent to the address listed in **Section 5.A**, above, or by e-mail to Brandon.Milby@state.ma.us.

MGC staff will review inquiries received before the deadline and at its discretion prepare written responses to questions which MGC determines to be of general interest and that help to clarify the RFR. Any written response will be posted on Comm-PASS.

G. Amendment or Withdrawal of RFR

If MGC decides to amend or clarify any part of this RFR, any written amendment will be posted on Comm-PASS. Bidders are cautioned to check this site regularly, as this will be the sole method used for notification of changes. MGC reserves the right to amend the RFR at any time prior to the deadline for submission of responses and to terminate this procurement in whole or in part at any time before or after submission of responses.

H. Costs

Costs which are not specifically identified in the bidder's response, and accepted by MGC as part of a contract, will not be compensated under any contract awarded pursuant to this RFR. Neither the MGC nor the Commonwealth will be responsible for any costs or expenses incurred by bidders responding to this RFR.

I. Closing Date

Responses received after the response due date and time specified in **Section 1.F** of this RFR will be rejected. Individual requests for extension of the time for submitting responses will be denied. All responses become the property of the Massachusetts Gaming Commission.

J. Acceptance of Response Content

The entire contents of the bidder's response shall be binding on the bidder. The specifications and contents of a successful bidder's response may be incorporated into the contract.

K. Public Records

Upon conclusion of this process, all responses and related documents submitted in response to this RFR may be considered public records and as such be subject to the Massachusetts Public Records Law, G.L. c. 66, § 10 and G.L. c. 4, § 7 subsection 26. Any statements in submitted responses that are inconsistent with these statutes will be disregarded.

L. Response Duration

The bidder's response shall remain in effect until any contract with the bidder is executed or the bidder withdraws its proposal.

M. Confidentiality

Bidders shall demonstrate that they can comply with all state and federal laws and regulations relating to confidentiality and privacy, and security of personal information, including but not limited to G.L. c. 93H, G.L. c. 66A, and associated regulations.

N. Incorporation of RFR

This RFR and the selected bidder's response may be incorporated into any contract awarded as a result of this RFR to that bidder.

O. Option to Modify Scope of Work

MGC reserves the right, at its sole discretion and at any time after release of the RFR and during the contract term, to modify, increase, reduce or terminate any requirements under the contract, whenever MGC deems necessary or reasonable to reflect any change in policy or program goals. MGC additionally reserves the right, at its sole discretion and at any time after release of the RFR and during the contract term, to amend the contract to implement state or federal statutory or regulatory requirements, judicial orders, settlement agreements, or any state or federal initiatives or changes affecting MGC agencies. In the event of a change in the scope of work for any contract tasks or portions thereof, MGC will provide written notice to the contractor and will initiate negotiations with the contractor. MGC reserves the right to amend the contract accordingly, including payments under, or maximum obligation of the contract.

P. Debriefing

Upon notification of MGC's award decision, any non-selected bidder may make a written request for debriefing. A debriefing meeting or conference call would provide the bidder an opportunity to discuss the evaluation of its response. Debriefing meetings or conference calls shall be held at the discretion of MGC.

Q. Electronic Funds Transfer (EFT)

All bidders must agree to participate in the Commonwealth Electronic Funds Transfer (EFT) program for receiving payments. A link to the EFT application can be found on the OSD Forms page (www.mass.gov/osd). Additional information about EFT is available on the Comptroller's VendorWeb site located at:
<https://massfinance.state.ma.us/VendorWeb/vendor.asp>.

Upon notification of award, contractors are required to enroll in EFT by completing and submitting the "Authorization for Electronic Funds Payment Form" to the SSST for review, approval and forwarding to the Office of the Comptroller, unless already enrolled in EFT. A link to the EFT application can be found on the Comptroller's VendorWeb site (see above link). This form, and all information contained on this form, shall not be considered a public record and shall not be subject to public disclosure through a public records request.

R. Electronic Communication/Update of Bidder's/Contractor's Contact Information

It is the responsibility of the prospective bidder and awarded contractor to keep current the email address of the bidder's contact person and prospective contract manager, if awarded a contract, and to monitor that email inbox for communications from the PMT, including requests for clarification. The PMT and the Commonwealth assume no responsibility if a prospective bidder's/awarded contractor's designated email address is not current, or if technical problems, including those with the prospective bidder's/awarded contractor's computer, network or internet service provider (ISP) cause email communications sent to/from the prospective bidder/awarded contractor and the PMT to be lost or rejected by any means including e-mail or spam filtering.

S. Restriction on the Use of the Commonwealth Seal

Bidders and contractors are not allowed to display the Commonwealth of Massachusetts Seal in their bid package or subsequent marketing materials if they are awarded a contract because use of the coat of arms and the Great Seal of the Commonwealth for advertising or commercial purposes is prohibited by law.

T. Subcontracting Policies

Prior approval of the MGC is required for any subcontracted service of the contract. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors. Human and social service subcontractors are also required to meet the same state and federal financial and program reporting requirements and are held to the same reimbursable cost standards as contractors.